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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,054

04/05/2007

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FUJII9

4828

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EXAMINER

ROYSTON, ELIZABETH

ART UNIT

PAPER NUMBER

1747

MAIL DATE

DELIVERY MODE

11/05/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/591,054</p>	<p>Applicant(s) FUJII ET AL.</p>	
	<p>Examiner Elizabeth Royston</p>	<p>Art Unit 1747</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 October 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 14-29.
Claim(s) withdrawn from consideration: 11-12.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Richard Crispino/
Supervisory Patent Examiner, Art Unit 1747

/E. R./
Examiner, Art Unit 1747

Continuation of 3. NOTE: The limitation of "length" is not supported by the language of the specification and is considered to be new matter. However, upon further consideration, the rejection of claims 18 and 19 under 35 USC 112 second paragraph is withdrawn, as the width in question is understandable to one of ordinary skill in the art based on applicant's disclosure as cited on page 11 of the response filed 10/19/2010. As such, if applicant submits the proposed amendment without the change to the limitation from "width" to "length", the amendments will be entered.

Continuation of 11. does NOT place the application in condition for allowance because:

With regard to applicant's argument that Peiffer in view of Komoda, and more specifically Komoda, does not teach edge resins, the examiner respectfully disagrees. Peiffer is relied upon to teach an extruded plastic sheet with edge resin portions. However, Peiffer does not explicitly disclose having multiple sheets with edge portions that are assembled within a die. Komoda teaches that having multiple sheets of a two component material were known to be assembled within a die. As stated in the previous official action dated 6/23/2010, it would have been obvious to form a multilayered sheet comprising the multicomponent sheet of Peiffer, as in the teaching of Komoda. The rationale to do so would have been the motivation provided by the teaching of Komoda, that to use multilayered sheets predictably results in the formation of a compound plastic material that contains multiple desirable properties such as weather resistance, tensile strength, elongation, shearing strength, etc, instead of a single layer of material having a single property (col. 1, line 24-46). Since Peiffer teaches a plastic sheet for the purposes of a packing material, where properties such as tensile strength, elongation, shear strength, or tensile strength would be a consideration, it would have been obvious to one of ordinary skill in the art at the time of the invention to create a improve the plastic sheet by combining the method of forming a composite plastic sheet through the layering of multiple sheets of plastic with different desirable qualities as in the teaching of Komoda, with the method of forming plastic sheets with sacrificial edge portions in the teaching of Peiffer. Komoda is further relied upon to teach that it was known in the art at the time of the invention to accomplish the introduction of a secondary plastic material surrounding a first material in a die that formed a multilayered plastic sheet comprising multicomponent plastic layers via a second hole, where one reading the teaching of Komoda would appreciate that such a secondary hole allows for the surrounding resin material to be isolated from the primary resin material until being desirably converged into one melt stream (col. 4, line 45-67). As stated in the previous official action dated 6/23/2010, since Peiffer teaches heating and melting a thermoplastic resin in an extruder, leading an edge-forming thermoplastic resin to both sides of the thermoplastic resin through a hole, and widening the side-by-side combination of the thermoplastic resin and the edge forming thermoplastic resin for edge part in a manifold, and since Komoda teaches that it was known in the art at the time of the invention to edge thermoplastic resins with other thermoplastic resins, widen multiple layers of thermoplastic resins, and extrude the layers through a die in order to form a multilayered sheet, it would have been obvious to one of ordinary skill in the art at the time of the invention to duplicate the parts in the teaching of Peiffer so as to achieve a multilayered sheet extruded from a die. Applicant's argument that Komoda fails to teach an edge-forming resin is unpersuasive. As applicant's structure is already taught by Peiffer. Komoda is not relied upon to teach such a limitation, but is instead relied upon to teach that the convergence of multiple multicomponent resin sheets into a single sheet within a die was known in the art at the time of the invention as resulting in the successful manufacture of a plastic sheet with multiple properties.